

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARIA FERNANDEZ, et al.,  
Plaintiffs,

v.

DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES, et al.,  
Defendants.

Case No. C05-5299RBL

ORDER TRANSFERRING VENUE TO  
THE EASTERN DISTRICT OF  
WASHINGTON

This matter is before the court on the Plaintiffs' Motion to Transfer Venue to the Eastern District of Washington [Dkt. #31]. Though the Plaintiffs originally filed in Thurston County, they now allege (without serious rebuttal) that there is a substantially similar proceeding pending in the Eastern District of Washington, *De La O v. Arnold Williams, et al.*, Cause No. CV04-0192, Judge Shea presiding. They further claim that the interests of justice and the convenience of the parties and witnesses are better served if this matter is transferred there, and consolidated by Judge Shea.

The Defendants do not necessarily disagree with the latter point, but argue that the interests of justice are better served by having this court adjudicate their anticipated summary judgement motion on Plaintiffs' federal claims. They argue that if that motion is granted, the court can and should then remand the remaining state law claims to the state court. This, it argues, will result in only one transfer, and not two.

While the Defendants may be ultimately prove to be correct, the court is not persuaded that the potential for two transfers (if they prevail on their as yet unfiled summary judgment motion and if the court

1 then remands) outweighs the current convenience of the parties and witnesses, and the interests of justice in  
2 having what are apparently closely related cases resolved in a consistent manner. For this reason, the Plaintiffs'  
3 Motion to Transfer venue under 28 U.S.C. §1404(a) is GRANTED and this matter shall be TRANSFERRED  
4 to the United States District Court for the Eastern District of Washington. All pending motions, and the issue  
5 of consolidation, shall be addressed by that court.

6  
7 DATED this 30<sup>th</sup> day of August, 2005

8   
9 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE